

In the Indiana Supreme Court

CAUSE NUMBER: 94S00- -MS-

ORDER AMENDING INDIANA PARENTING TIME GUIDELINES

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Parenting Time Guidelines Section I.(E)(4) is amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

INDIANA PARENTING TIME GUIDELINES

...

SECTION I. GENERAL RULES APPLICABLE TO PARENTING TIME

...

4. Relocation. When either parent or other person who has custody or parenting time considers a change of residence, a 90 day reasonable advance notice of the intent to move must ~~shall~~ be provided to the other parent or personso they can discuss necessary changes in the ~~parenting schedule as well as the allocation of transportation costs in exercising parenting time~~ which may result from the move.

Commentary

1. Impact Of Move. *Parents should recognize the impact that a change of residence may have on a child and on the established parenting time. The welfare of the child should be a priority in making the decision to move.*

2. Indiana Law. *Indiana law (~~Ind. Code § 31-14-13-10 and~~ Ind. Code § 31-17-2.2-3) requires all individuals who have (or who are seeking) child custody or parenting time, and who intend to relocate their residence to provide Notice to an individual who has (or is seeking) child custody, parenting time or grandparent visitation. The Notice must be made by registered or certified mail not later than 90 days before the individual intends to move. The relocating party's Notice must provide certain specified and detailed information about the move. This information includes: the new address; new phone numbers; the date of the proposed move; a stated reason for the move; a proposed new parenting time schedule; and must include certain statements regarding the rights of the*

non-relocating party. The Notice must also be filed with the Court. The notice is required for all proposed moves by custodial and non custodial parents in all cases when the proposed move involves a change of the primary residence for a period of at least sixty (60) days. This is true even when a person plans to move across the street or across town, and when a party plans on moving across the state or the country, or to another country that if a custodial parent intends to move outside Indiana, or more than one hundred (100) miles from the individual's county of residence, a notice of intent to move must be filed with the clerk of the court that issued the custody order, and a copy of the notice must be sent to the other parent.

...

This amendment shall take effect immediately.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of March, 2008.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.